

FILED

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

JUN 16 2014

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY Tub, DEPUTY

JERMOL D. GENTRY et al.,)

Plaintiffs,)

vs.)

LAWTON CORRECTIONAL
FACILITY/WARDEN RIOS,)

Defendants.)

No. CIV-14-310-W

ORDER

On May 13, 2014, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this matter and recommended that the Court dismiss the claims of Joe W. Carey II, one of the two plaintiffs litigating this action, on the grounds of infeasible joinder. Carey and co-plaintiff Jermol D. Gentry were advised of their right to object to the Report and Recommendation, see Doc. 16 at 6, but no objections have been filed by either plaintiff within the allotted time.

Upon review of the record and given the difficulties in maintaining this joint litigation, which Gentry himself has acknowledged in his submissions to the Court, the Court concurs with Magistrate Judge Mitchell's suggested disposition of Carey's claims for relief. E.g., Pinson v. Whetzel, 2007 WL 428191 (W.D. Okla. 2007).

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation [Doc. 16] filed on May 13, 2014;
- (2) DISMISSES without prejudice Carey's claims asserted in the complaint [Doc. 1] file-stamped March 31, 2014;
- (3) ADVISES Carey that if he intends to pursue these claims, he must file an

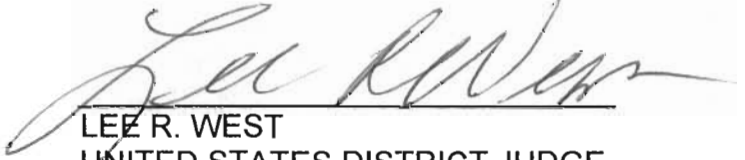
independent action;

(4) VACATES the Order [Doc. 6] issued on April 4, 2014, to the extent that Carey was granted leave to proceed without prepayment of the full filing fee;

(5) deems MOOT the plaintiffs' Motion for an Injunction [Doc. 15] file-stamped May 1, 2014, wherein the plaintiffs had requested that the Court compel prison officials to allow the plaintiffs to meet and confer regarding this lawsuit; and

(6) RE-REFERS this matter to Magistrate Judge Mitchell for further proceedings.

ENTERED this 16th day of June, 2014.


LEE R. WEST
UNITED STATES DISTRICT JUDGE